

### **REMARKS**

The Office Action mailed February 23, 2005, had been carefully considered by Applicant. Reconsideration is respectfully requested in view of the foregoing claim amendments and the remarks that follow.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 1-63 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Samuelson et al U.S. Patent No. 5,361,776 in view of Albrecht et al U.S. Patent No. 6,047,206. By the present Amendment, claims 1-63 are cancelled and claims 64-86 added to more particularly point out and distinctly claim the subject matter of the present invention, and render the same allowable over the applied references.

#### **Claim 64**

Claim 64 recites a method of displaying physiological patient data from a cyclic physiological waveform. Among other things, the method comprises the steps of colorizing a three-dimensional representation by:

selecting a first data point along a current waveform in the series of waveforms, the selected first data point having a representative X coordinate, Y coordinate and Z coordinate,

identifying a first area between the current waveform and a second waveform in the series of waveforms based upon the coordinates of the selected first data point,

applying a first predetermined color to the identified area based on the amplitude of the selected first data point.

The cited references, Samuelson et al '776 and Albrecht et al '206 fail to teach or suggest the method according to claim 64. Samuelson '776 teaches merely the provision of three-dimensional TDR waveforms. Samuelson et al '776 utilizes a single color (black) which makes review of the three-dimensional representation difficult (see Fig. 10). For example, it is difficult to visualize the variation of the waveforms (e.g., 101-104)

with respect to each other, especially without the use of indicator lines (e.g., respiration time slice 105 and cardiac time slice 110).

Albrecht et al '206 teaches color coding portions of ECG waveforms to represent their amplitude, state, and/or relation to myocardial ischemia.

However, neither of the applied references teaches or suggests the claimed method for colorizing the three-dimensional representation wherein a first area between the current waveform and a second waveform is colored based upon the amplitude of a selected data point on the current waveform.

As such, claim 64 is believed allowable over the applied references.

#### Claims 65-74

Claims 65-74 depend directly or indirectly from claim 64 and are thus believed allowable for the reasons stated above, as well as the subject matter recited therein.

#### Claim 75

Claim 75 recites an apparatus for displaying physiological patient data from a cyclic physiological waveform. The apparatus includes a processor capable of colorizing the three-dimensional representation by:

selecting a first data point along a current waveform in the series of waveforms, the selected first data point having a representative X coordinate, Y coordinate and Z coordinate,

identifying an area between the current waveform and a second waveform in the series of waveforms based upon the coordinates of the selected first data point, and

applying a predetermined color to the area based on the amplitude of the selected first data point.

In accordance with the above arguments regarding claim 64, the prior art fails to teach or suggest a processor for colorizing a first area between the current and a second waveform. As such, claim 75 is believed allowable over the applied references.

Application No. 09/711,691  
Amendment Dated April 7, 2005  
Reply to Office Action of February 23, 2005

Claims 76-86

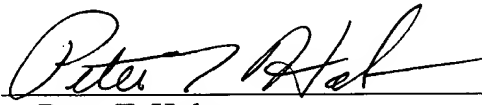
Claims 76-86 depend directly or indirectly from claim 75 and are thus also believed allowable for the reasons stated above, as well as the subject matter recited therein.

Conclusion

The present application is thus believed in condition for allowance with claims 64-86. Such action is respectfully requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By   
Peter T. Holsen  
Reg. No. 54,180

Andrus, Sceales, Starke & Sawall, LLP  
100 East Wisconsin Avenue, Suite 1100  
Milwaukee, Wisconsin 53202  
Telephone: (414) 271-7590  
Facsimile: (414) 271-5770